

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAYNE AUSTIN AND KAYE AUSTIN,

Plaintiffs,

vs.

Case No. 2:09-cv-14147-VAR-MJH

EVANS & LUPTAK, P.L.C., MICHAEL J.
MEHR, AND DOES 1 through 20, inclusive,

Hon. Victoria A. Roberts

Defendants.

GEORGE A. GOOGASIAN (P14185)
THOMAS H. HOWLETT (P57346)
DEAN M. GOOGASIAN (P53995)

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DEFENDANTS MICHAEL J. MERH AND
EVANS & LUPTAK, PLC'S PRIVILEGE LOG

Defendants Michael J. Mehr and Evans & Luptak, PLC, by and through their attorneys, object to production of the following documents on the grounds that the documents are protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine and/or were prepared in anticipation of litigation and/or exempt from disclosure pursuant to certain State statutes and/or Federal Rules and/or Regulations and submit the following Privilege Log:

Date

Subject Matter

7/14/08

Documents pertaining to California attorneys considered for engagement to represent Estate of Kenneth Hodas, deceased [attorney work product and prepared in anticipation of litigation]

7/14/08	Internal Evans & Luptak memorandum regarding retention of California attorney to represent Estate of Kenneth Hodas for probate of estate and possible will contest. Also discussion concerning gift tax to estate [attorney work product and prepared in anticipation of litigation]
7/24/08	Internal Evans & Luptak memorandum regarding retention of California attorney to represent the Estate of Kenneth Hodas for probate of the estate and possible will contest [attorney work product and prepared in anticipation of litigation]
8/1/08	E-mail from Mehr to attorney Darin Mercier ("Mercier") regarding Mercier's retention as counsel for the Estate of Kenneth G. Hodas, Deceased and e-mail response from Mercier regarding retention [attorney client privilege]
8/5/08	E-mail from Mercier to Mehr attaching Legal Services Agreement [attorney/client privilege]
10/30/08	Corres from Thomas Linville, Law Office of Darrin W. Mercier to Robert Shaw, Executor, regarding probate matters and will contest [attorney/client privilege]
11/16/08	E-mail from Mercier to Mehr regarding Rachel Hodas petition to determine validity of the Hodas trust naming trustees as parties and discussion concerning response on behalf of trustees [attorney/client privilege; attorney work product]
11/16/08	Corres from Thomas Linville, Law Office of Darrin W. Mercier to Robert Shaw, Executor requesting certain information [attorney/client privilege; attorney work product]
11/25/08	Corres from Thomas Linville, Law Office of Darrin W. Mercier to Robert Shaw, Executor and Michael J. Mehr regarding subpoenas served in connection with will contest and analysis of legal issues [attorney/client privilege; attorney work product]
12/4/08	Corres from Mercier to Evans & Luptak, who will appear on behalf of Robert Shaw, PR of Estate of Kenneth G. Hodas, at Shaw's deposition [attorney/client privilege and attorney work product]
Various dates 12/08 – 06/09	Legal research [attorney work product and prepared in anticipation of litigation]

7/24/09 Corres from Mehr to Fishman re: Mercier invoice for legal services to Robert Shaw, PR of Estate of Kenneth G. Hodas & invoice [attorney/client privilege and attorney work product]

8/13/09 Corres from Julia M. Wei, Esq. to Evans & Luptak regarding legal malpractice claim filed by Austins [attorney/client privilege and attorney work product]

Undated Evans & Luptak file document indexes provided to Rutledge Manion Rabaut Terry & Thomas [attorney work product].

RUTLEDGE, MANION, RABAUT,
TERRY & THOMAS, P.C.

s/Madeleine R. Szymanski
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DATED: May 19, 2010

CERTIFICATE OF SERVICE

I, LINDA S. HALLER hereby certify and say that I am employed by the law firm of RUTLEDGE, MANION, RABAUT, TERRY & THOMAS, P.C., and that on the 19th day of May, 2010, I electronically filed the foregoing paper with the Clerk of the Court and served via electronic filing upon:

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I declare that the statements above are true to the best of my information, knowledge and belief.

s/Linda S. Haller
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